

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARIE GUERRERA TOOKER,

Appellant,

MEMORANDUM & ORDER
18-CV-6331 (JS)

-against-

QUEST VENTURES LTD., ALLEN B. MENDELSON,
and IPA ASSET MANAGEMENT IV, LLC,

Appellees.

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APPEARANCES

For Appellant: Marie Guerrero Tooker, pro se
P.O. Box 1082
Riverhead, New York 11901

For Trustee: Avrum J. Rosen, Esq.
Fred S. Kantrow, Esq.
Rosen, Kantrow & Dillon, PLLC
38 New Street
Huntington, New York 11743

SEYBERT, District Judge:

In accordance with the Second Circuit's mandate (Docket Entry 13), the Court clarifies its June 17, 2020 Electronic Order. Pro se litigant Marie Tooker filed a combined notice of appeal and motion for extension of time (Docket Entry 10) approximately 35 days after entry of judgment. Tooker indicated "I feel I am timely filing because the trustee is an[] officer of U.S. and I went by the 3 day mailing rule." Id. Given Tooker's pro se status and apparent unawareness of the interplay between Federal Rules of Appellate Procedure 4(a)(1) and 26(c), the relatively short delay beyond the 30-day window, and COVID 19, this Court, in its

discretion, found Tooker had shown excusable neglect and good cause and granted an extension. Accordingly, the Court deemed the notice of appeal timely. In light of this exercise of discretion, the Court need not address Tooker's undeveloped argument that the court appointed bankruptcy trustee was a United States officer, rendering the 60-day deadline set out in Rule 4(a)(1)(B) applicable rather than the general 30-day deadline set out in Rule 4(a)(1)(A). The Clerk shall mail a copy of this Order to Tooker.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: August 14, 2020
Central Islip, New York